

SENATE BILL 422

M4

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CF 7lr1976

By: **Senators Pinsky, Benson, Conway, Currie, Feldman, Ferguson, Guzzone, Kelley, King, Lee, Madaleno, Manno, Muse, Nathan-Pulliam, Ramirez, Robinson, Rosapepe, Smith, Young, and Zucker**

Introduced and read first time: January 27, 2017

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Keep Antibiotics Effective Act of 2017**

3 FOR the purpose of prohibiting, on or after a certain date, a certain owner of cattle, swine,
4 or poultry from administering, or authorizing an agent to administer, certain
5 antimicrobial drugs in certain cattle, swine, and poultry without a certain
6 antimicrobial drug prescription or veterinary feed directive issued by a licensed
7 veterinarian in accordance with certain conditions; prohibiting certain antimicrobial
8 drugs from being administered to cattle, swine, and poultry for certain purposes;
9 requiring certain antimicrobial drugs to be administered in a certain manner;
10 requiring a certain owner to submit to the State Department of Agriculture a copy of
11 a certain antimicrobial drug prescription or veterinary feed directive in a certain
12 manner; requiring the Department to maintain certain information and make the
13 information available for public review in a certain manner; requiring the
14 Department to report to the General Assembly on or before a certain date each year,
15 beginning on or before a certain date; authorizing the Secretary of Agriculture to
16 impose a certain penalty; authorizing the Department to adopt certain regulations;
17 providing for the application of this Act; defining certain terms; and generally
18 relating to the use of antimicrobial drugs in cattle, swine, and poultry.

19 BY adding to

20 Article – Agriculture

21 Section 3–1001 through 3–1006 to be under the new subtitle “Subtitle 10. Use of
22 Antimicrobial Drugs”

23 Annotated Code of Maryland

24 (2016 Replacement Volume)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
26 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Agriculture

SUBTITLE 10. USE OF ANTIMICROBIAL DRUGS.

3-1001.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “DISEASE CONTROL” MEANS THE USE OF A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG TO CONTROL THE SPREAD OF A DOCUMENTED DISEASE OR INFECTION PRESENT IN A BARN OR EQUIVALENT ANIMAL HOUSING UNIT.

(C) “MEDICALLY IMPORTANT ANTIMICROBIAL DRUG” MEANS ANY DRUG FROM A CLASS OF DRUG OR DERIVATIVE OF A CLASS OF DRUG THAT IS:

(1) (I) MADE FROM A MOLD OR BACTERIUM THAT KILLS OR SLOWS THE GROWTH OF OTHER MICROBES, SPECIFICALLY BACTERIA; AND

(II) USED IN HUMAN BEINGS OR INTENDED FOR USE IN HUMAN BEINGS TO TREAT OR PREVENT DISEASE OR INFECTION; OR

(2) LISTED IN APPENDIX A OF THE FEDERAL FOOD AND DRUG ADMINISTRATION’S GUIDANCE FOR INDUSTRY #152, INCLUDING CRITICALLY IMPORTANT, HIGHLY IMPORTANT, OR IMPORTANT ANTIMICROBIAL DRUGS.

(D) “MEDICALLY IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION” MEANS AN ORDER ISSUED BY A VETERINARIAN LICENSED IN THE STATE IN THE COURSE OF THE VETERINARIAN’S PROFESSIONAL PRACTICE:

(1) FOR A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG THAT IS:

(I) IN A WATER-SOLUBLE POWDER FORM; AND

(II) TO BE ADDED TO THE DRINKING WATER OF CATTLE, SWINE, OR POULTRY; AND

(2) THAT PROVIDES THE SAME OR SUBSTANTIALLY SIMILAR INFORMATION AS THE INFORMATION THAT IS REQUIRED FOR A VETERINARY FEED DIRECTIVE UNDER TITLE 21, § 558.6(B)(3) AND (4) OF THE CODE OF FEDERAL REGULATIONS.

(E) “OWNER” MEANS A PERSON THAT:

1 (1) HAS AN OWNERSHIP INTEREST IN CATTLE, SWINE, OR POULTRY,
2 INCLUDING A RIGHT OR AN OPTION TO PURCHASE THE CATTLE, SWINE, OR POULTRY;
3 OR

4 (2) IS OTHERWISE ENGAGED IN THE BUSINESS OF OBTAINING LIVE
5 CATTLE, SWINE, OR POULTRY UNDER A GROWING AGREEMENT FOR THE PURPOSE
6 OF EITHER SLAUGHTERING THE CATTLE, SWINE, OR POULTRY OR SELLING THE
7 CATTLE, SWINE, OR POULTRY FOR SLAUGHTER.

8 (F) "VETERINARY FEED DIRECTIVE" MEANS A WRITTEN STATEMENT
9 ISSUED BY A VETERINARIAN LICENSED IN THE STATE IN THE COURSE OF THE
10 VETERINARIAN'S PROFESSIONAL PRACTICE THAT:

11 (1) ORDERS THE USE OF AN ANIMAL DRUG IN OR ON ANIMAL FEED;

12 (2) AUTHORIZES AN OWNER OR A CARETAKER OF AN ANIMAL TO
13 OBTAIN AND USE ANIMAL FEED BEARING OR CONTAINING AN ANIMAL DRUG TO
14 TREAT THE ANIMAL; AND

15 (3) MEETS THE CONDITIONS AND REQUIREMENTS SPECIFIED UNDER
16 TITLE 21, § 558.6 OF THE CODE OF FEDERAL REGULATIONS.

17 **3-1002.**

18 EXCEPT AS OTHERWISE PROVIDED IN FEDERAL LAW OR REGULATION, THIS
19 SUBTITLE DOES NOT APPLY TO ANTIMICROBIAL USE IN:

20 (1) CATTLE ON A FARM OPERATION THAT SELLS FEWER THAN 200
21 CATTLE PER YEAR;

22 (2) SWINE ON A FARM OPERATION THAT SELLS FEWER THAN 200
23 SWINE PER YEAR; OR

24 (3) POULTRY ON A FARM OPERATION THAT SELLS FEWER THAN
25 60,000 BIRDS PER YEAR.

26 **3-1003.**

27 (A) ON OR AFTER FEBRUARY 1, 2018, AND SUBJECT TO SUBSECTION (B) OF
28 THIS SECTION, AN OWNER OF CATTLE, SWINE, OR POULTRY MAY NOT ADMINISTER
29 OR AUTHORIZE AN AGENT TO ADMINISTER A MEDICALLY IMPORTANT
30 ANTIMICROBIAL DRUG TO THE CATTLE, SWINE, OR POULTRY WITHOUT A MEDICALLY

1 IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION OR A VETERINARY FEED
2 DIRECTIVE ISSUED BY A LICENSED VETERINARIAN:

3 (1) IN THE CONTEXT OF A VETERINARIAN-CLIENT-PATIENT
4 RELATIONSHIP THAT MEETS THE CRITERIA FOR A VALID
5 VETERINARIAN-CLIENT-PATIENT RELATIONSHIP ESTABLISHED UNDER TITLE 21, §
6 530.3 OF THE CODE OF FEDERAL REGULATIONS;

7 (2) WHO HAS, WITHIN THE PREVIOUS 6 MONTHS, VISITED THE FARM
8 OPERATION IN WHICH THE CATTLE, SWINE, OR POULTRY IS LOCATED; AND

9 (3) WHO HAS DETERMINED THAT THE MEDICALLY IMPORTANT
10 ANTIMICROBIAL DRUG IS NECESSARY:

11 (I) TO TREAT A DOCUMENTED DISEASE OR INFECTION;

12 (II) FOR DISEASE CONTROL;

13 (III) FOR A SURGERY OR A MEDICAL PROCEDURE; OR

14 (IV) TO PREVENT A DISEASE THAT RESULTS FROM A
15 VETERINARIAN-DOCUMENTED SPECIFIC EVENT THAT SIGNIFICANTLY INCREASES
16 DISEASE RISK RELATIVE TO NORMAL FACILITY OPERATING CONDITIONS.

17 (B) (1) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY NOT BE
18 ADMINISTERED TO CATTLE, SWINE, OR POULTRY FOR:

19 (I) GROWTH PROMOTION;

20 (II) FEED EFFICIENCY OR WEIGHT GAIN PURPOSES; OR

21 (III) ROUTINE DISEASE PREVENTION.

22 (2) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG SHALL BE
23 ADMINISTERED IN A MANNER THAT TREATS THE FEWEST NUMBER OF CATTLE,
24 SWINE, OR POULTRY FOR THE SHORTEST DURATION NECESSARY FOR THE USE
25 AUTHORIZED BY THE MEDICALLY IMPORTANT ANTIMICROBIAL DRUG
26 PRESCRIPTION OR THE VETERINARY FEED DIRECTIVE.

27 3-1004.

28 (A) ON OR BEFORE FEBRUARY 1, 2019, AND EACH FEBRUARY 1
29 THEREAFTER, AN OWNER SHALL SUBMIT TO THE DEPARTMENT, IN A MANNER

1 DETERMINED BY THE DEPARTMENT, FOR EACH MEDICALLY IMPORTANT
2 ANTIMICROBIAL DRUG ADMINISTERED TO CATTLE, SWINE, OR POULTRY DURING
3 THE PREVIOUS CALENDAR YEAR:

4 (1) A COPY OF THE MEDICALLY IMPORTANT ANTIMICROBIAL DRUG
5 PRESCRIPTION; OR

6 (2) A COPY OF THE VETERINARY FEED DIRECTIVE.

7 (B) ALL RECORDS AND INFORMATION RELATING TO A MEDICALLY
8 IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION OR A VETERINARY FEED
9 DIRECTIVE SUBMITTED TO THE DEPARTMENT UNDER THIS SECTION SHALL BE
10 MAINTAINED BY THE DEPARTMENT AND MADE AVAILABLE FOR PUBLIC REVIEW IN A
11 MANNER THAT PROVIDES THE GREATEST PUBLIC DISCLOSURE OF RECORDS AND
12 INFORMATION WHILE PROTECTING THE IDENTITY OF THE FARM OPERATION OR
13 OWNER OF THE FARM OPERATION TO WHICH THE MEDICALLY IMPORTANT
14 ANTIMICROBIAL DRUG PRESCRIPTION OR VETERINARY FEED DIRECTIVE RELATES.

15 (C) ON OR BEFORE DECEMBER 1, 2019, AND EACH DECEMBER 1
16 THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN
17 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE
18 INFORMATION SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION.

19 3-1005.

20 THE SECRETARY MAY IMPOSE AN ADMINISTRATIVE PENALTY, NOT
21 EXCEEDING \$2,000, ON A PERSON THAT VIOLATES THIS SUBTITLE.

22 3-1006.

23 THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2017.